

EXHIBIT A



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DUPLICATE
PROOFS OF CLAIM**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No.
3 6734] (the “Objection”); the Court having heard the matter on February 20, 2009;
4 appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)
16 Rob Charles
John Hinderaker (*pro hac vice*)
17 3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
18 Telephone: (520) 629-4427
Facsimile: (520) 879-4705

19
20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22
23 By: _____
August Landis
24 Assistant United States Trustee

25
26

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- 8 to respond, as indicated below (list each party and whether the party has
- 9 approved, disapproved, or failed to respond to the document):

| | |
|--|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input checked="" type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ JH (#018024)

18 Rob Charles

19 John Hinderaker (*pro hac vice*)

20 Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – DUPLICATE CLAIMS TABLE (4)

| <u>Claimant's Name and Address</u> | <u>Duplicate Claim #</u> | <u>Duplicate Claim Amount</u> | <u>Basis for Objection</u> | <u>Surviving Claim #</u> | <u>Surviving Claim Amount</u> |
|---|---------------------------------|--------------------------------------|--|---------------------------------|--------------------------------------|
| Timothy J Porter Ira c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169 | 10725-00845 | \$40,955.63 | The claim is based on investment in Anchor B, LLC and Oak Shores II and is a duplicate of Claim #10725-01294. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00845 be disallowed in its entirety. | 10725-01294 | \$40,955.63 |
| Mathews, Max c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169 | 10725-00846 | Unknown | The claim is based on BarUSA and Elizabeth May Real Estate and is a duplicate of Claim #10725-01239. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00846 be disallowed in its entirety. | 10725-01239 | Unknown |
| Tomac, Steven B & Laura J c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169 | 10725-00847 | Unknown | This claim is based on investment in Elizabeth May Real Estate and Grammercy Court Condos and is a duplicate of Claim #10725-01234. The USACM Liquidating Trust requests claim #10725-00847 be disallowed in its entirety. | 10725-01234 | Unknown |

| <u>Claimant's Name and Address</u> | <u>Duplicate Claim #</u> | <u>Duplicate Claim Amount</u> | <u>Basis for Objection</u> | <u>Surviving Claim #</u> | <u>Surviving Claim Amount</u> |
|---|---------------------------------|--------------------------------------|--|---------------------------------|--------------------------------------|
| Patricia A Herrin & Terry W Royder 9404 Mountainair Ave Las Vegas, NV 89134-6215 | 10725-00913 | \$150,000.00 | The claim is based on investment in Eagle Meadows Development and is a duplicate of Claim #10725-01388. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00913 be disallowed in its entirety. | 10725-01388 | \$150,000.00 |
| Ovca Associates Inc Defined Pension Plan c/o William J Ovca Jr Trustee 16872 Baruna Ln Huntington Beach, CA 92649 | 10725-00957 | \$275,000.00 | The claim is a duplicate of Claim #10725-01574. The USACM Liquidating Trust requests claim #10725-00957 be disallowed in its entirety. | 10725-01574 | Unknown |
| Resident Agents Of Nevada 711 S Carson St #4 Carson City, NV 89701 | 10725-00988 | \$54,535.00 | The claim is based on investment in Placer Vineyards 2nd and is a duplicate of Claim #10725-01261. The USACM Liquidating Trust requests claim #10725-00988 be disallowed in its entirety. | 10725-01261 | \$54,535.00 |
| Ciadella Living Trust Dtd 2/8/99 c/o Stella P Ciadella Trustee 650 S Town Center Dr Apt 1114 Bldg 29 Las Vegas, NV 89144-4419 And Ciadella Living Trust Dtd 2/8/99 C/o Carl Ciadella 10012 Crescent Mesa Ln. Las Vegas, NV 89148 | 10725-01040 | \$250,000.00 | The claim is based on 6425 Gess, LTD and Harbor Georgetown and is a duplicate of Claim #10725-02450. The USACM Liquidating Trust requests claim #10725-01040 be disallowed in its entirety. | 10725-02450 | \$250,000.00 |

| <u>Claimant's Name and Address</u> | <u>Duplicate Claim #</u> | <u>Duplicate Claim Amount</u> | <u>Basis for Objection</u> | <u>Surviving Claim #</u> | <u>Surviving Claim Amount</u> |
|--|--------------------------|-------------------------------|---|--------------------------|-------------------------------|
| Don P Marshall Trust Dtd 7/18/95 c/o Don P Marshall Trustee 221 Chiquita Rd Healdsburg, CA 95448-9055 | 10725-01044 | \$200,000.00 | The claim is a duplicate of Claim #10725-02482. The USACM Liquidating Trust requests claim #10725-01044 be disallowed in its entirety. | 10725-02482 | \$200,000.00 |
| Adams, Karen 15026 Starbuck St Whittier, CA 90603 | 10725-01075 | \$53,900.08 | The claim is based on investment in Bundy Canyon Land Development, LLC and is a duplicate of Claim #10725-01076. The USACM Liquidating Trust requests claim #10725-01075 be disallowed in its entirety. | 10725-01076 | \$53,900.08 |
| Wayne Dotson Co Peter Bogart Ceo 3 Hidden Lake Ct Bluffton, SC 29910 | 10725-01123 | \$56,500.00 | This claim is based on investment in Rio Rancho Executive Plaza, LLC and is a duplicate of Claim #10725-1266. The USACM Liquidating Trust requests claim #10725-01123 be disallowed in its entirety. | 10725-01266 | \$56,500.00 |